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IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
PATENT OPERATIONS

Mail Stop Petitions  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450  
USA

RE Application No:09/813,476	Filing Date:03/22/2001
Inventor: FOLKMAR, Jan	Title: HINGED CLIP WITH SEPARABLE JAWS
Art Unit: 3677	Examiner:
DATE OF ALLOWANCE: 03/26/2003	

**PETITION PURSUANT TO 37 CFR 1.137(a)**

On or about August 14, 2003 Applicant filed a Petition requesting the revival of the captioned application, based on the allegation that the alleged abandonment of the application was **unavoidable**.

The abandonment was alleged to have arisen due to

- a. the failure of applicant to pay the final fee
- b. the failure of applicant to submit replacement drawings.

It may be noted that this was the second occasion on which this application had become allegedly abandoned; the first occasion resulting from the misplacement in the USPTO of a timely filed response.

In a decision over the hand of Mrs. Francis Hicks, it was acknowledged that the allegation of non-payment of the final fee was erroneous, and that the evidence supported the conclusion that new, substitute drawings had been timely received into the US postal system but had become lost.

As part of the Petition applicant included drawings to replace the substitute drawings. However, it was alleged in a Notice dated September 10, 2003 that such replacement drawings were not of acceptable quality.

Accordingly, on or about October 8, 2003 new replacement drawings delivered to and were received by the USPTO and signed for over the hand of M. Assaw. Telephone calls to the Office of Petitions have been made on numerous occasions since that time to enquire into the status of the application, and by letter dated August 13, 2004, with the last such enquiry dated March 10, 2005. Various reasons have been given for the lack of any response to such enquiries, including the file being stored off-premises, or out for microfilming, or no record of the enquiry. On

March 10, 2005 the undersigned was advised by Mrs. Hicks to re-file the Petition.

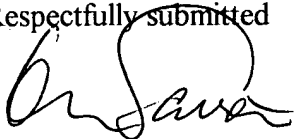
As part of this re-filed Petition there is enclosed the following:

Declaration of the Undersigned together with supporting evidence.  
Power of Attorney  
Drawings (2 sheets containing Figs 1-6)

In view of the checkered history of the prosecution of this application, early and favorable reconsideration of the Petition is respectfully requested. Further, in view of the fact that originals of the drawings have been lost through no fault of applicant, it is respectfully urged that applicant be given the benefit of the doubt in the event that the quality of the presently submitted drawings is marginal.

Applicant also submits herewith Drawing sheets 3 & 4 of better quality of those on file, and requests that these be substituted for the corresponding sheets on file.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Jan Folkmar", written over the typed name.

Jan Folkmar, Applicant

by Kenneth M. Garrett  
Reg 27,514

April 4, 2005



IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
PATENT OPERATIONS

Mail Stop Petitions  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450  
USA

RE Application No:09/813,476	Filing Date:03/22/2001
Inventor: FOLKMAR, Jan	Title: HINGED CLIP WITH SEPARABLE JAWS
Art Unit: 3677	Examiner: BRITTAIN, J.R.
DATE OF ALLOWANCE: 03/26/2003	

**SHOWING ACCOMPANYING PETITION OF JAN FOLKMAR**

The Undersigned KENNETH M. GARRETT does DECLARE AS FOLLOWS:

On information and belief, on or about October 7, 2003, on my instructions there was forwarded to the USPTO by overnight Fedex courier service a package containing a paper, a true copy of which paper is annexed hereto and identified as Exhibit A, which paper was accompanied by drawings referred to therein.

On information and belief, said package was received in the USPTO on October 8, 2003; now shown to me as Exhibit B hereto is a true copy of the Waybill in respect of such package, from which copy a credit card number has been redacted, setting forth tracking information provided by Fedex, which was recorded at the relevant time, identifying the official receiving the package at the USPTO as M. Assaw, at a time of delivery of 11.48 on October 8, 2003.

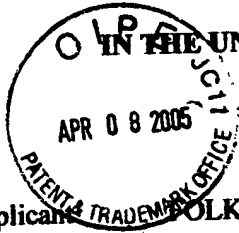
Now shown to me as Exhibit C hereto is a true copy of a letter sent by facsimile on August 13, 2004 together with a certificate of transmission, requesting information concerning the status of the application, referring to a telephone enquiry of on or about June 28, 2004. No response was received by me to my letter of enquiry. I am personally aware of having followed up this enquiry by telephone to different persons in the Office of Petitions on a plurality of occasions, and on information and belief, of other enquiries in respect of the application made by Mrs. Jan Folkmar without receiving any definitive response.

All statements made hereinabove of my own knowledge are true and all statements made on information and belief are believed to be true.

I make this declaration in the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Kenneth M. Garrett  
Reg. 27,514

April 4, 2005



IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
PATENT OPERATIONS

Applicant **POLKMAR, J.**

Examiner **Brittain, James R.**

Application No. **09/813,476**

Art Unit **3626**

The Commissioner for Patents  
Mail Stop Non-Fee Amendments  
P.O.Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Letter dated Sep 15, 2003 the previously lacking item (1) the required reply, in the form of corrected drawings, Figures 1-6 are presented herewith.

**REMARKS**

The corrected drawings, Figures 1-6 are presented herewith in response to the Notice of Draftperson's Patent Drawing Review, in order to complete the previously submitted Petition.

Approval of these drawings by the Draftsperson is respectfully requested.

Reconsideration of the now-completed Petition is respectfully requested.

Respectfully submitted

**Kenneth M. GARRETT**

Reg. 27,514

Oct 7, 2003

via courier

EXHIBIT A TO THE DECLARATION OF KENNETH M. GARRETT MADE  
THIS 4<sup>TH</sup> DAY OF APRIL, 2005



BEST AVAILABLE COPY

**FedEx Express** International Air Waybill  
Lettre de transport aérien internationale

From / Expéditeur: **Sender's FedEx Account Number**  
Date: **10/07/03** N° de compte FedEx de l'expéditeur

Sender's Name: **D. EGGINS** Phone: **705 726 1975**  
Nom de l'expéditeur: Téléphone

Company: **D W ECCINS**  
Nom de la société

Address: **18 DOWNSVIEW DRIVE**  
Adresse

City: **BARRIE** Province: **ON** Canada Postal Code: **L4M 4P8**  
Ville Province Code postal

Your Internal Reference: **FOLKMAR, Jan**  
Votre référence interne

To / Destinataire: **COMM'R FOR PATENTS** Phone: **703 305 8600**  
Recipient's Name: Nom du destinataire

Company: **UNITED STATES PATENT & TM OFFICE**  
Nom de la société

Address: **2011 SOUTH CLARK PLACE, CUST. WINDOW**  
Adresse

Address: **CRYSTAL PLAZA TWO LOBBY ROOM 1803**  
Adresse

City: **ARLINGTON** State: **VA**  
Ville Province/État

Country: **USA** ZIP/Postal Code: **22202**  
Pays Code postal

Recipient's Tax ID number required for Customs purposes  
N° fiscal du destinataire aux fins de la douane

Shipment Information / Informations sur l'envoi

Total Packages: **1** Total Weight: **1.5** **kg** **lb** **oz**  
Nombre total de colis Poids total

Contents: **PAPERS**  
Contenu

Export Declaration / Déclaration d'exportation  
I hereby declare that the contents of this shipment are as described on this waybill and are not subject to any export controls.  
Je déclare par la présente que le contenu de ce colis est conforme à la description sur le présent avis de transport et n'est pas soumis à des contrôles d'exportation.

5 Express Package Service / Service colis express Packages up to 150 lb (68 kg) Colis up to 150 lb (68 kg) or more  
☒ FedEx International Priority ☐ FedEx International First  
☐ FedEx International Economy

6 Packaging / Emballage  
☒ FedEx Envelope ☐ FedEx Pak ☐ FedEx Tube ☐ FedEx Box ☐ Other

7 Special Handling / Manutention spéciale  
☐ HOLD at FedEx Express / RETENIR à la FedEx Express  
☐ SATURDAY Delivery / Livraison le SAMEDI

8a Payment of transportation charges by / Paiement des frais de transport à:  
☒ Sender / Expéditeur ☐ Recipient / Destinataire ☐ Third Party / Tiers  
A: 053079 \$ 26.75

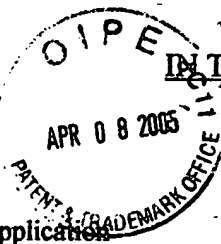
8b Payment of Customs charges by / Paiement des frais de douane à:  
☐ Sender / Expéditeur ☐ Recipient / Destinataire ☐ Third Party / Tiers

9 Required Signature / Signature requise  
Use of this Air Waybill constitutes your agreement to the Conditions of Contract on the back of this Air Waybill.  
L'utilisation de ce présent avis de transport constitue votre accord avec les Conditions de Contrat sur le verso de ce présent avis de transport.

Sender's Signature: **D. Eggins** Date Executed: **10/07/03**  
Signature du destinataire: **473**

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8363 2923 9999 0412

EXHIBIT B TO THE DECLARATION OF KENNETH M. GARRETT MADE THIS 4<sup>TH</sup> DAY OF APRIL, 2005



**IN THE UNITED STATES PATENT & TRADE MARK OFFICE**

**PATENT OPERATION**

Re Application 09/813,476  
Filing Date 03/22/2001  
Title HINGED CLIP WITH SEPARABLE JAWS  
Art Unit 3677  
Examiner Brittain, J.R.  
Date of Allowance 03/26/2003

Attention Frances M. Hicks  
Office of Petitions

EXHIBIT C TO THE  
DECLARATION OF  
KENNETH M. GARRETT  
MADE THIS 4<sup>th</sup> DAY OF  
APRIL, 2005

Sir

This is a follow-up to the telephone enquiry of about June 28 2004 to Mrs. Hicks in regard to the captioned application, wherein it was indicated by Mrs. Hicks that the file of the application would be drawn to determine the status of the application. Unfortunately the application appears to have been plagued by errors, with two Petitions having been necessitated due to the loss of timely filed responses to the USPTO and there has also been the misplacement of the final fee payment which although located is shown as having resulted in the abandonment of the application.

Replacement drawings were submitted by courier delivery on October 8, 2003 together with other papers that have been acted upon, but there has been no action in regard to this application. In view of the foregoing the issuance of the application has been greatly delayed, and it is earnestly requested that an early and favorable decision be made and that the patent be issued forthwith.

Jan Folkmar  
Applicant herein

By Kenneth M. Garrett  
Reg. 27,514  
Agent herein

August 13, 2004

I certify that this paper is being transmitted by facsimile to 703-308-6916 this 13<sup>th</sup> day of August, 2004.

Aug 13 2004 02:02:10pm Sent  
00:00:31 01  
Kenneth M. Garrett  
Date Time Type Identification Duration Pages Replied  
Last Fax

Last Transaction Report  
Name : BONNIELE  
Fax Number : 905 815 0094  
Date&Time : Aug 13 2004 02:03pm

HP Fax Series 1020

